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United States District Court

District of New Hampshire

United States

v.

Aria DiMezzo

Case No. 1-21-cr-00041-JL

Motion for Sentence Reduction Under 18 U.S.C. SS 3582

Now comes the defendant, Aria DiMezzo, pro se, to petition this Court to reduce her sentence under 18 U.S.C. SS 3582, in light of the United States Sentencing Commission's amendment to the United States Sentencing Guidelines via the Criminal History Amendment, which creates a new criminal history category of zero (0), into which Ms. DiMezzo falls. This amendment provides for a two-level reduction of the Offense level for individuals with zero criminal history points.

Section 3582(c)(2) of Title 18, United States Code, provides that, in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has since been lowered by the Sentencing Commission, pursuant to 28 U.S.C. SS 994(o), upon motion of the Defendant, the Court may reduce the term of imprisonment, after considering the factors set forth in SS 3553, to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

In the case of Ms. DiMezzo, her offense level was 19 after acceptance of responsibility. This Court sentenced Ms. DiMezzo to half of the maximum of this range, which had been 30 to 37 months; this Court graciously granted a downward variance from the guidelines and sentenced Ms. DiMezzo to 18 months of incarceration, followed by a year of Supervised Release. If this Court finds Ms. DiMezzo worthy of sentence reduction in accordance with the new criminal history category of zero, then the Sentencing Guidelines for Ms. DiMezzo would effectively have been for an Offense Level of 17, resulting in a range of 24 to 30 months.

The Defendant humbly moves the Court to reduce her sentence according to the new recommended guidelines and according to this Court's prior granting of the downward variance, which, it would seem, would have resulted in a sentence of 12 to 15 months rather than 18 months; if this Court modifies the sentence to 12 months, Ms. DiMezzo humbly requests the sentence be "twelve months and a day" to maintain her First Step Act credits and other Good Time credits.

Ms. DiMezzo remarked at her sentencing that arrogance had been her undoing, and her rehabilitative efforts in this area and others are ongoing. In addition to working as a chef in the kitchen and as an orderly for FMC Devens' Satellite Camp, Ms. DiMezzo uses her spare time in part to type (but not draft) documents for inmates who

are filing pro se motions for compassionate release. At least one inmate was released as a result of these motions;

Ms. DiMezzo has learned to be a better activist, measuring the results of her activism in people freed rather than in government employees frustrated. While this would seem to be a positive result of her incarceration, and while Ms. DiMezzo has undergone a variety of positive programming during her term of imprisonment, thereby lowering her likelihood of recidivism, psychological analysis had determined that Ms. DiMezzo had negligible chance of recidivism to start. Ms. DiMezzo remains eager to resume the therapy sessions that had begun months prior to her imprisonment; a sentence reduction in accordance with the new Criminal History Amendment would help Ms. DiMezzo along this path of self-growth.

In conclusion, Ms. DiMezzo humbly requests that this Court adapt the new Criminal History Amendment to her case, to reduce her sentence accordingly, and to grant her any other relief that this Court deems to be just and equitable.

For these reasons, I ask that this motion be GRANTED.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aria DiMezzo', followed by a long horizontal line.

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